

1  
2 BILL NO. Z-96- 09-15  
3

4 ZONING MAP ORDINANCE NO. Z- 10-96  
5

6 AN ORDINANCE amending the City of  
7 Fort Wayne Zoning Map No. V-26 U-34  
8

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

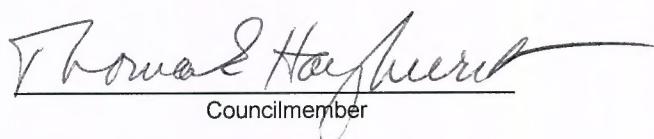
10 SECTION 1. That the area described as follows is hereby designated as a B-2-B (Community  
11 Shopping Center) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne,  
12 Indiana of 1974:

13 Part of the East Half of the Northeast Quarter of Section 21, Township 31 North, Range 13 East, Allen  
14 County, Indiana, more particularly described as follows, to-wit:

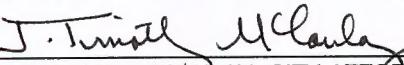
15 Beginning on the North line of said Northeast Quarter at a point situated 295.10 feet, South 90  
16 degrees 00 minutes 00 seconds West (assumed bearing and is used as the basis for the bearings in  
17 this description) from the Northeast corner of said Northeast Quarter; thence South 90 degrees 00  
18 minutes 00 seconds West, on and along said North line, being with the right-of-way of St. Joe Center  
19 Road, a distance of 1023.73 feet to the Northwest corner of the East Half of said Northeast Quarter;  
20 thence South 01 degrees 05 minutes 10 seconds West, on and along the West line of the East Half  
21 of said Northeast Quarter, a distance of 910.00 feet; thence North 90 degrees 00 minutes 00 seconds  
22 East and parallel to said North line, a distance of 1320.14 feet to a point on the East line of said  
23 Northeast Quarter; thence North 01 degrees 00 minutes 15 seconds East, on and along said East line,  
24 being within the right-of-way of Maplecrest Road, a distance of 349.40 feet; thence South 90 degrees  
25 00 minutes 00 seconds West and parallel to said North line, a distance of 295.10 feet; thence North  
26 01 degrees 00 minutes 15 seconds East and parallel to said East line, a distance of 560.60 feet to the  
27 point of beginning, containing 23.763 acres of land, subject to legal right-of-way for St. Joe Center  
28 Road and Maplecrest Road, and subject to all easements of record.

29 and the symbols of the City of Fort Wayne Zoning Map No. V-26, as established by Section 157.016 of Title  
30 XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and  
approval by the Mayor.

  
Thomas Hayhurst  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY McCaulay, CITY ATTORNEY

Read the first time in full and on motion by Chairwoman  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Conference Room 128, City County Building, Fort  
Wayne, Indiana, on 19, the 19 day of October,  
M., E.S.T.

DATED: 9-10-96

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Chairwoman  
and duly adopted, placed on its passage. PASSED 10:57  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 10-22-96

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. Z-10-96  
on the 22nd day of October, 1996

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 23rd day of October, 1996,  
at the hour of 10:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of October,  
1996, at the hour of 1:45 o'clock P.M., E.S.T.

Paul Heimke  
PAUL HEIMKE, MAYOR



# Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

#18515

I/We Estate of Florence Berning Hallien do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an R-1 designation to a/an B-2-B designation, the property located at the common street address of: CORNER OF MAPLECREST ROAD / ST JOSEPH CANAL ROAD and further described as follows:

SEE EXHIBIT A ATTACHED HERETO

**RECEIVED**

AUG 15 1996

FORT WAYNE

CITY PLANNING COMMISSION

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:

To permit the use of the property for all uses permitted within a B-2-B  
(community shopping center) district

Property owners Name(s): Estate of Florence Berning Hallien

Street Address: c/o Goldstine Knapke Company, 200 East Main Street, Suite 610

City: Fort Wayne State: IN Zip: 46802 Phone: (219) 424-6277

Applicants Name (if different from above): \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Estate of Florence Berning Hallien

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_  
By: Michael C. Hallien Michael C. Hallien, Personal \_\_\_\_\_  
Signature \_\_\_\_\_ Printed Name Representative \_\_\_\_\_ Date 8/12/96  
By: Stephen J. Hallien Stephen J. Hallien, Personal \_\_\_\_\_  
Signature \_\_\_\_\_ Printed Name Representative \_\_\_\_\_ Date 8-12-96

## Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

## Name and address of preparer, attorney or agent.

Robert T. Hoover  
BAKER & DANIELS

(219) 424-8000

Telephone Number \_\_\_\_\_

111 East Wayne Street, Suite 800

Fort Wayne, IN 46802

Form Rez494

Receipt #:

Date Filed:

Map #:

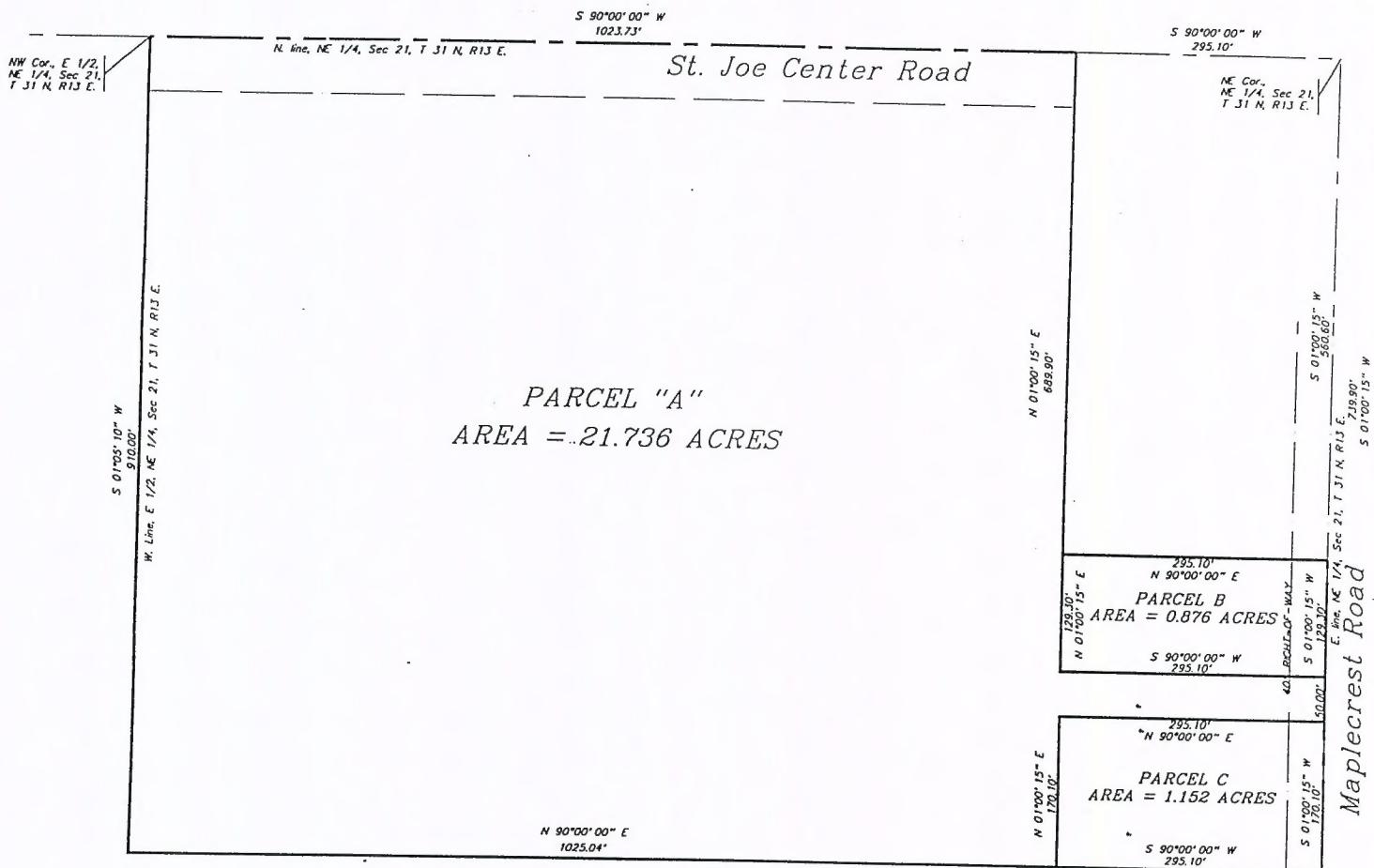
Reference #:

**EXHIBIT A**  
**PERIMETER LEGAL DESCRIPTION**

Part of the East Half of the Northeast Quarter of Section 21, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning on the North line of said Northeast Quarter at a point situated 295.10 feet, South 90 degrees 00 minutes 00 seconds West (assumed bearing and is used as the basis for the bearings in this description) from the Northeast corner of said Northeast Quarter; thence South 90 degrees 00 minutes 00 seconds West, on and along said North line, being within the right-of-way of St. Joe Center Road, a distance of 1023.73 feet to the Northwest corner of the East Half of said Northeast Quarter; thence South 01 degrees 05 minutes 10 seconds West, on and along the West line of the East Half of said Northeast Quarter, a distance of 910.00 feet; thence North 90 degrees 00 minutes 00 seconds East and parallel to said North line, a distance of 1320.14 feet to a point on the East line of said Northeast Quarter; thence North 01 degrees 00 minutes 15 seconds East, on and along said East line, being within the right-of-way of Maplecrest Road, a distance of 349.40 feet; thence South 90 degrees 00 minutes 00 seconds West and parallel to said North line, a distance of 295.10 feet; thence North 01 degrees 00 minutes 15 seconds East and parallel to said East line, a distance of 560.60 feet to the point of beginning, containing 23.763 acres of land, subject to legal right-of-way for St. Joe Center Road and Maplecrest Road, and subject to all easements of record.

EXHIBIT A (continued)  
SKETCH PLAN WITH INDIVIDUAL PARCEL DESCRIPTIONS



DESCRIPTION

PARCEL "A"

Part of the East Half of the Northeast Quarter of Section 21, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the North line of said Northeast Quarter at a point situated 295.10 feet, South 90 degrees 00 minutes 00 seconds West (assumed bearing and is used as the basis for the bearings in this description) from the Northeast corner of said Northeast Quarter; thence South 90 degrees 00 minutes 00 seconds West, on and along said North line, being within the right-of-way of St. Joe Center Road, a distance of 1023.73 feet to the Northwest corner of the East Half of said Northeast Quarter; thence South 01 degrees 05 minutes 10 seconds West, on and along the West line of the East Half of said Northeast Quarter, a distance of 910.00 feet; thence North 90 degrees 00 minutes 00 seconds East and parallel to said North line, a distance of 1025.04 feet to a point situated 295.10 feet, South 90 degrees 00 minutes 00 seconds West from the East line of said Northeast Quarter; thence North 01 degrees 00 minutes 15 seconds East and parallel to said East line, a distance of 170.10 feet; thence North 90 degrees 00 minutes 00 seconds East and parallel to said North line, a distance of 295.10 feet to a point on the East line of said Northeast Quarter; thence North 01 degrees 00 minutes 15 seconds East, on and along said East line, being within the right-of-way of Maplecrest Road, a distance of 50.00 feet; thence South 90 degrees 00 minutes 00 seconds West and parallel to said North line, a distance of 295.10 feet; thence North 01 degrees 00 minutes 15 seconds East and parallel to said East line, a distance of 689.90 feet to the point of beginning, containing 21.736 acres of land, subject to legal right-of-way for St. Joe Center Road and Maplecrest Road, and subject to all easements of record.

PARCEL "B"

Part of the East Half of the Northeast Quarter of Section 21, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning on the East line of said Northeast Quarter at a point situated 560.60 feet, South 01 degrees 00 minutes 15 seconds West (bearings in this description are based on an assumed bearing of South 90 degrees 00 minutes 00 seconds West for the North line of said Northeast Quarter) from the Northeast corner of said Northeast Quarter; thence South 01 degrees 00 minutes 15 seconds West, on and along said East line, being within the right-of-way of Maplecrest Road, a distance of 129.30 feet; thence South 90 degrees 00 minutes 00 seconds West and parallel to the North line of said Northeast Quarter, a distance of 295.10 feet; thence North 01 degrees 00 minutes 15 seconds East and parallel to said East line, a distance of 129.30 feet; thence North 90 degrees 00 minutes 00 seconds East and parallel to said North line, a distance of 295.10 feet to the point of beginning, containing 0.876 acres of land, subject to legal right-of-way for Maplecrest Road and subject to all easements of record.

PARCEL "C"

Part of the East Half of the Northeast Quarter of Section 21, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning on the East line of said Northeast Quarter at a point situated 739.90 feet, South 01 degrees 00 minutes 15 seconds West (bearings in this description are based on an assumed bearing of South 90 degrees 00 minutes 00 seconds West for the North line of said Northeast Quarter) from the Northeast corner of said Northeast Quarter; thence South 01 degrees 00 minutes 15 seconds West, on and along said East line, being within the right-of-way of Maplecrest Road, a distance of 170.10 feet; thence South 90 degrees 00 minutes 00 seconds West and parallel to the North line of said Northeast Quarter, a distance of 295.10 feet; thence North 01 degrees 00 minutes 15 seconds East and parallel to said East line, a distance of 170.10 feet; thence North 90 degrees 00 minutes 00 seconds East and parallel to said North line, a distance of 295.10 feet to the point of beginning, containing 1.152 acres of land, subject to legal right-of-way for Maplecrest Road and subject to all easements of record.

## **RESOLUTION OF ZONING MAP AMENDMENT RECOMMENDATION**

**WHEREAS**, the Common Council of the City of Fort Wayne, Indiana, on September 10, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-09-15; and,

**WHEREAS**, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

**WHEREAS**, the City Plan Commission conducted a public hearing on such proposed ordinance on September 16, 1996.

**NOW THEREFORE, BE IT RESOLVED** that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will not have a substantially adverse impact on the current conditions in the area, or the character of current structures and uses in the area,
- 2) Approval of the request will be consistent with the principles of responsible development and growth.

**BE IT FURTHER RESOLVED** that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 23, 1996.

Certified and signed this  
3rd day of October 1996.



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Carol Kettler Sharp  
Secretary

**ORIGINAL**

**ORIGINAL**

#619

DIGEST SHEET

**TITLE OF ORDINANCE** Zoning Map Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** Southwest corner of Maplecrest and St. Joe Center Roads.

2-96-09-15

**EFFECT OF PASSAGE** Property is currently zoned R-1 - Single Family Residential. Property will be zoned B-2-B - Community Shopping Center District.

**EFFECT OF NON-PASSAGE** Property will remain zoned R-1 - Single Family Residential District.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE)** \_\_\_\_\_

# FACT SHEET

Z-96-09-15

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From R1 to B2B		

### DETAILS

Specific Location and/or Address  Southwest corner of Maplecrest Road and St Joe Center Road.	POSITIONS	RECOMMENDATIONS
Reason for Project  Construction of a Community Shopping Center	Sponsor	City Plan Commission
	Area Affected	City Wide  Other Areas
	Applicants/ Proponents	Applicant(s) K & H Realty Corp  City Department  Other
Discussion (Including relationship to other Council actions)  <u>16 September 1996 - Public Hearing</u>  (See Attached Minutes of Meeting)	Opponents	Groups or Individuals Jack/Pat McComb/6219 Justin C Mike Sorg  Basis of Opposition -loss of property values; -increase traffic in area; -increase water runoff in area
<u>23 September 1996 - Business Meeting</u>  Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.  Of the nine (9) members present, seven (7) voted in favor of the motion, one (1) voted against the motion and the Chair did not vote.  Motion carried.  Members Present: Linda Buskirk, Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Richard Pierce, Thomas Quirk, Dave Ross, Carol Kettler Sharp	Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against  Reason Against -negative impact on existing land uses in the area
	Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

## DETAILS

## POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start Date 15 August 1996

Projected Completion or Occupancy Date 3 October 1996

Fact Sheet Prepared by Date 3 October 1996

Patricia Biancaniello

Reviewed by

Date 4 October 1996

Reference or Case Number

SUMMARIZATION OF THE MINUTES OF THE  
FORT WAYNE CITY PLAN COMMISSION

Public Hearing

DATE: 16 September 1996

TIME: 7:00 P.M.

LOCATION: Room #126, City-County Building, One Main Street, Fort Wayne, IN

ROLL CALL:

Members Present: Jim Dearing, Ernest Evans, DeDe Hall, Richard Pierce, Thomas Quirk, Dave Ross, Carol Kettler Sharp

Members Absent: Linda Buskirk, James Hoch

Advisory Member Absent: County Plan Commission

Staff Present: Biancaniello, Fahey, O'Brien, Stair, Wright

NEW BUSINESS:

1. **Public Hearing on a Zoning Map Amendment**

- a. Bill No. Z-96-09-15 - Change of Zone #619  
From R-1 to B-2-B  
Southwest corner of Maplecrest and St Joe Ctr Roads.

2. **Public Hearing on a Primary Development Plan and an exception to subdistrict requirements for a B-2-B District.**

St Joe Village

Jon Bomberger, attorney for the owners (Michael & Steven Hallien) of the property, and on behalf of the developer (K & H Realty Co.) of the proposed St. Joe Village Shopping Center, appeared before the Commission. Mr. Bomberger stated that this property is approximately 25 acres and it is currently zoned R-1. Mr. Bomberger presented an aerial photograph to the Commission, showing the precise location of the existing conditions at the intersection of Maplecrest & St. Joe Ctr Roads. He stated that this is an intersection of two main arterial highways. The first issue he addressed was the rezoning. He stated that the standards for review on a rezoning requires that you give due consideration of five factors. Those five factors are set forth in the Indiana statute. They are due consideration to the Comprehensive Plan, due

to consideration to the current and existing conditions, structures and uses in the area; due consideration to the most desirable use of the parcel; due consideration to the conservation of property values in the area as well as due consideration to principles of responsible development and growth patterns. He stated that the principles of the Comprehensive Plan that are recited in the staff comments, clearly are those that appear in the Comprehensive Plan. What they would like to expand upon and look at is the fact that those same principles are principles that also speak in favor of this development. If you look at this particular area, starting at Goshen Road where it intersects Washington Center Road, and move to the east, you would come across several intersections; Lima, Coldwater, Clinton, St. Joe Road. If you look at the intersections, each and everyone, has spawned commercial development. The same is true with the intersection of St. Joe Ctr and Maplecrest. As it exists there today there is a Revco on the corner, and a shopping center that exists on Maplecrest, near the intersection of St. Joe Center. He stated that right now five lanes are currently planned for Maplecrest Road, these lanes curve from Stellhorn all the way to I-469. This is a major north-south arterial highway. The same type of improvements are due and scheduled for St. Joe Ctr Road, not quite on the same scale, but three lanes with reversible turn lanes, are also planned for St. Joe Ctr Road. He stated that what they have is a piece of property that is "ripe" for commercial development. It is in the midst of two very heavily traveled highways. He submitted that development of this parcel, as a limited Community Shopping Center, is appropriate for this property, and in fact is consistent with the principles stated in the Comprehensive Plan. He stated that the second factor that is important when looking at this particular project, is current conditions and uses in the area. He stated that if you look at the property and the current and existing uses, you will see that commercial use is a viable option and is quite desirable. He stated that when they look at a piece of property like this and they desire to go forward with development, obviously looking at these factors, they have to make the same analysis. They must go and look at the current situation and the current uses that are there on the property and in this case they did. He stated that to the north they visited with the residents of the Brandonwood Addition, right across the street from the proposed shopping center. They spoke with the members of the subdivision. They introduced them to the concept of the shopping center and the site development plan. He stated they then listened to their comments and concerns. He stated that there were three big concerns. He stated that screening is an issue. He stated that the parking lot will front on St Joe Ctr Road, and will be right across the street from them. He showed the screening plan to the Commission, which is proposed to screen the parking lot. He stated that they feel they have addressed the screening issue for the parking area. He stated that traffic was another big concern. He stated that this traffic is already there and it is very much a concern for everyone that lives in this area of town. He stated that one of the big issues with regard to traffic that was discussed with them, was getting in and out of their subdivision. He stated that their subdivision is a single access subdivision. He stated that they have prepared, as part of the zoning ordinance requirements, a traffic study. He stated that the traffic study that they had done, tells them that with their development and the road improvements, the conditions may come to a level that will warrant a traffic light at the entrance to the subdivision, which will also be the entrance to the shopping center. He stated that the developer is willing to commit to installing a traffic light at that location, as soon as the warrant is met. Finally, the third concern is a safety concern for children that are at the ball diamonds and the recreational areas that surround the St. Joe Township Fire Department. He stated that the site plan shows, that one of the proposed solutions they have, is to install a fence along the edge of the property to help to discourage children from making a crossing at anywhere other than the traffic lights. He stated that the east side of the property has commercial development at the corner, and the Pine Valley Farms Addition, which would be

directly across from the entrance to the proposed center on Maplecrest Road. He stated that they have spoken with some of the people in the addition and the President of the Association, and their major concern was traffic. He stated that they looked at their traffic study and they have been able to determine that the warrants will be there for the installation of a traffic light at that location. And as soon as the warrants are there they are committed to putting the light in place. He stated that the southern border of the property is the Bohde Grove Subdivision. He stated that this subdivision is somewhat removed from their development. He stated that their main concern was the wooded area, which is to the rear of their subdivision. He stated that they are concerned that the shopping center is tearing down the woods. He stated that their business is only with the 25 acres, they have no plans regarding the woods or the additional vacant area that is between the woods and their development. To the west is a 72 acre farm owned by Elvin Baetz. He stated that Mr. Baetz is concerned about his dog wandering over and getting into the shopping center. He stated that to accommodate that concern they agreed to put up a fence. He presented a letter to the Commission from Mr. Baetz who stated that if his concerns about the fencing were met that he and his wife endorsed the rezoning and development. He stated that the next issue he wanted to address was the most desirable use of the property. He stated that with regard to the traffic that is there; with regard to the development at the intersections along St. Joe Ctr/Washington Ctr, clearly this particular piece of property is desirous of commercial development. He stated that what he wanted the Commission to consider, was that of the commercial development that could go on this property, clearly a community shopping center is the most desirable. He stated that the community shopping center anchored by a grocery store, a traditional community service, all of which will serve the needs of the community, will not be generating regional traffic to the area. It will simply be serving the needs of the community as a whole. The next important factor is to give due regard to conservation of property values. He stated that in this particular area, he asked the Commission to suspend traditional notions, things that might be assumed. He stated for example that the assumption with regard to commercial development is that it is a detriment to residential development. He stated that type of assumption does not withstand analysis and clearly will not withstand analysis, if you look at it in terms of this development and the property they are dealing with, and the existing conditions in the area. He stated that clearly the days when we are going to take commercial development and force them all on one boulevard and keep them all away from residential development are over. In fact, from a planning standpoint, the current thoughts are, and the current developments are, the development of mixtures. Developments where commercial and residential live side-by-side. He noted a few examples. One being Southgate Plaza, which he noted was completely encompassed by residential development. He stated that the south area of town has had its ups and downs, but he did not feel they could say that Southgate Plaza has hurt that residential area. He stated he felt they could say that Southgate Plaza has anchored that area and has provided needed services and has served to maintain the residential values. He also noted West State Plaza as an example. He stated that it is another Community Shopping Center anchored by a grocery store, providing for the community needs in the area. Once again virtually surrounded by residential neighborhoods. He stated that he did not feel that the residential neighborhoods in that area have been harmed by the existence of a service, but is actually a benefit to the area. He stated that the Village of Coventry in the county is another example of mixed uses living side-by-side with residential uses, forming a kind of symbiotic or beneficial relationship, whereby, both enhance each other. He stated that K&H Realty has been developing shopping centers in Fort Wayne for over 40 years. He stated that they have tremendous experience and expertise in developing and maintaining shopping centers. He stated that a quality community shopping

center does not by necessity result in a negative impact on residential values. He stated that the fifth item to be considered for rezoning is responsible development and growth. He stated that this is a B-2-B request. It is a planned designation, which will require both primary and secondary approval, prior to any construction. Also, the other thing to remember in terms of planning is that their site takes up 25 acres in this intersection, and will provide for a coordinated planned development of the property. He stated that he felt they would agree this development is far superior to anything that would be more on the piecemeal scale. He stated that the shopping center will entail about 110,000 sq ft of total retail space. It is anchored by a Kroger Store of approximately 64,000 sq ft. The project itself shows parking and vehicular circulation and the access points. He stated that there is an entrance on St. Joe Ctr Road, which will be the main entrance and there is an entrance on Maplecrest Road. He stated that there is a third entrance at the far end of the property on St. Joe Ctr Road as well. He stated that they have read through the staff comments with regard to the development and they are confident that in working with staff that they can meet or exceed the comments. He stated that they will be presented on the secondary development site plan. He stated that he would like to talk about the screening on the development site plan. He stated that along St. Joe Ctr Road they intend to put a 3 to 4 foot mound, along with plantings. He stated that they will be required to file a complete landscape plan with the secondary site plan submittal. He stated that this is just a conceptual idea of what they intend to do. He stated that they are showing an elevation looking at the Kroger Store from St. Joe Ctr Road, showing the elevation of the mounding and plantings. He stated that they are designing the mound so that it will not look like a bunker. They are doing so by varying the height of the mound. He stated that this will be a very aesthetic planting and screening. In addition he stated that the developer is committed to improving St. Joe Ctr Road, providing an extra lane of travel, for excel and decel. He stated that these are all improvements that will be made to St. Joe Ctr Road, ahead of schedule, in terms of the conventional improvement of St. Joe Ctr Road. Also, the developer has committed to install traffic lights when warranted. He stated that the traffic lights are designed to go at the main entrance on St. Joe Ctr Road and the main entrance on Maplecrest Road. He stated that they feel that they will be able to show that the traffic lights are warranted. He stated that all of the lighting for the parking lot will be internally directed, to eliminate, as much as possible, glare into the residential areas. He stated that storm sewers are served by two detention ponds, the storm water will be detained on premise and the outflow is regulated. He stated that this particular property is in the "red zone" with regard to sanitary sewers. He stated however, it is their understanding that the relief project is on its way and will probably start construction this year. He stated that once the project is completed the property will be outside of the "red zone". He stated that they have no construction plans until early 1997 and completion in late 1997 or early 1998. He stated that by that time their property should be removed from the "red zone".

Brian Foamer, with the Kroger Real Estate Department, in Indianapolis, Indiana, appeared before the Commission. Mr. Foamer stated that the Kroger Company is excited about providing a "state of the art" facility for this community. He stated that they are certainly committed to the growth in Fort Wayne. He showed the Commission a group of photos which showed one of their "state of the art" facilities in Indianapolis. He stated that the structure in the photos was 60,000 sq ft, whereas the proposed store is 62,500 sq ft. He stated that this facility has generated nothing but positive comments from their customers. He stated that these "state of the art" facilities are a one stop shop facility. He stated that the new facilities have expanded deli areas, produce departments, large none food selling areas, everything that a community, such as that near St. Joe Ctr Road & Maplecrest Road would desire, they would have in that location. He stated that

they also have branch banks in most of their store locations and one is planned in this store as well. He stated that the current location that they have been at since 1974 is about half this size. He stated that it was remodeled once in 1980, but they have outgrown the location. He stated that they do have to have two main arteries in order to build a facility such as the one proposed. He stated that St. Joe Ctr Road and Maplecrest Road provide those arteries for their customers.

Dave Ross questioned where their current store was in this area.

Mr. Foamer stated that it was located at Stellhorn and Maplecrest and the store is 30,000 sq ft.

DeDe Hall questioned what will happen to the Northwood store when the new store is built.

Mr. Foamer stated that they have been contacted by the landlord, and they would like the space back.

Dave Ross questioned what else would be located in the new shopping center, besides the grocery store.

Phil Knapke, representing K&H Realty Corporation appeared before the Commission. Mr. Knapke stated that the uses would be typical neighborhood uses. Such uses as a hardware store, video stores, beauty shops those type of uses. He stated that they are building a similar use such as this on the corner of Coldwater and Dupont Roads. He stated that the uses in that development are a book store, and a hardware store.

Dave Ross questioned if the traffic report that was done was submitted to the Plan Commission.

Wayne O'Brien, Staff Planner, stated that it has been reviewed. He stated that if the Commission wished staff could make copies available to the Commission.

Dave Ross questioned if there was any discussion about service roads connected with the other commercial properties.

Mr. O'Brien stated that they have asked the developer to explore the possibility of an internal connection to the existing Revco. He stated they have not had a response back from the developer.

Jack McComb, 6219 Justin Court, appeared before the Commission in opposition to the proposed rezoning and development plan. Mr. McComb stated that he lived in Brandonwood and that their subdivision would be directly across the street from the proposed entrance into this shopping center. He stated that the area in question is surrounded by residential subdivisions, there is one small strip mall in the area of 6 to 8 businesses. It is located along Maplecrest Road. He stated that the rest of the area, with the exception of the 72 acre farm is all residential. He stated that St. Joe Ctr is now two lanes and has needed to be at least 3 lanes for a long time. He stated that this proposed use would add to the traffic in the area. He stated that commercial use in this area is very limited. The residential area is established and is the anchor for the area. He stated that he was not sure that there subdivision or the other residential areas around them need more of an anchor than the elementary school and the little

league diamond and the other residents that they have around them. He stated that they currently have two "super" stores within two or three miles from this location. The Meijer's store at I-69 and the Scott's store at the Northwood Shopping Center, where Kroger is across the street at this time. He stated that there are plenty of shopping facilities in their area. He stated that Mr. Bomberger calls the Kroger store a "residential anchor" and Mr. Foamer says it is going to help Fort Wayne grow. He stated that he was not to sure what they were intending it to be, but one thing he felt sure of was that the outlots, that are currently not sold, encompass an area that is triple the size of the proposed Kroger, and they will certainly expand the traffic in the area. He stated that traffic is currently a problem. He stated that with the 5-lane Maplecrest Road going in and with the expansion of St. Joe Ctr Road it would solve the current problems they have. He stated that to solve the problem and then add additional commercial to it would be difficult. He stated that he would venture to say that a shopping center such as this one, across the street from their subdivision, and the other surrounding residential areas, will without a doubt, make it difficult from them to market these homes. He stated that his 20 years as a residential realtor tells him that commercial property does not help the establishment of residential a neighborhood nor the marketing of a residential neighborhood. He stated that he doubted if the people in Lafayette Place Addition would agree with the analogy of the developer as to what happened with Southgate, or that North Highlands would agree with what they say regarding West State Shopping Center. The Village of Coventry is a totally different area. He stated that the residential area was established and is accessible from another artery (Aboite Center Road). He stated that the residents that live in this neighborhood are very concerned about this development. He presented the Commission with petitions signed by residents of the area in opposition to the rezoning and development. (59 of the 86 residents of Brandonwood signed petition, 19 of 34 residents of Pine Meadows signed petition, 45 residents of Jonathon Oaks Subdivision signed petition) He stated that they are speaking against the rezoning and they definitely would like to see the area stay a residential area.

Mike Sorg, homeowner and resident of the Brandonwood Subdivision, appeared before the Commission in opposition. He stated that he was the first person who built a home in Brandonwood. Mr. Sorg stated that he also was a real estate appraiser. He stated that he was pro-business and pro-development and pro-Fort Wayne. He stated however, that he is adamantly opposed to taking a residential parcel of ground in this area and changing the residential zoning to business. He stated that in the area where they are requesting the change they are surrounded by no less than seven residential subdivisions, approximately, 2200 lots. He stated that the price range in Brandonwood Subdivision is \$60,000 to \$90,000. He stated that people buy in the area because it is residential and the price range is reasonable for the northeast end of town. He stated that people buy in the area for several reasons. One is the proximity to their employment and they are close to churches and schools. They have a park to the rear of their subdivision and they have baseball diamonds the east of the addition and a fire station on the corner. He stated that the children in the area are bused to school because of the traffic. He stated that they do not allow the children to walk because of the traffic. He stated that they have no less than 8 community shopping centers with a drive time of 2 to 8 minutes from their subdivision. He stated that within that area they have six major grocery stores. He stated that he is opposed to the change of zoning. He stated that personally and professionally he felt that this property going commercial would have an effect on the market value of their homes. He stated that he was also concerned about what the outlots could be used for. He stated that they could have fast food restaurants. He stated that the main thing is the traffic. He stated that the baseball diamonds are busy from April through August. He

stated that the school is across the street from the diamonds and because the traffic is so intense the school will not allow the children to walk across the street. The school requires that they take the bus to the diamonds. He stated that he could not go to this proposed store without driving, even though it will be across the street from his home. He stated that he was asking the Commission's help to keep the property residential. He stated that they have the integrity of the neighborhood and they need the compatibility of a residential area across the street.

Pat McComb, 6219 Justin Court, appeared before the Commission in opposition to the request. Ms. McComb stated that she was their to speak on behalf of the children in the area that play at the baseball diamonds. She stated that these baseball diamonds area busy all day long in the summer. She stated that many of the children that play at these diamonds are "latch key kids". She stated that if there is a shopping center that close to a little league diamond she feels it will draw the kids like a magnet. She stated that they are not going to cross at the Maplecrest traffic light, nor are they going to cross at the Brandonwood traffic light. She stated that they will cross wherever it is convenient. She stated that a fence between Revco and Kroger will be of no help. She stated that many of these children are on bikes. She stated that her concern was truly for the safety of the children. She stated that the only way most of the children can access the diamond is to cross St. Joe Center Road.

Kenneth Blum, 6620 Pine Meadows Lane, appeared before the Commission in opposition. Mr. Blum stated that there was no presentation made to the general residents. He stated that they have two outlots in the proposed center that face right at the end of their street. These outlots do not showing screening. He stated that the developer failed to mention that their entrance from Maplecrest Road, at that point, will be the sixth entrance, within 500 feet of St. Joe Center Road. He questioned how they could put a traffic light there. He stated that they did mention that they wanted to have community type businesses on the outlots, video stores and the like. He stated however that in the commercial areas next to Revco and at the end of their street, in the six years that the buildings have been there, 4 of those types of businesses have come and gone. He stated that one is currently going out of business. He stated that two of the buildings are sitting vacant.

Tom Utley, 6111 Brandonwood Lane, appeared before the Commission in opposition to the request. Mr. Utley stated that he was a newer resident of Brandonwood Subdivision. He stated that he has a 5 year and 1 year old child. He stated that they are talking about putting a "super" store and a light at the only entrance into Brandonwood Addition. He stated that this will effectively trap the residents. He stated that he was concerned for the safety of his children. He requested that the Commission deny the request.

Fred Horney, 5913 Thaine Court, appeared before the Commission in opposition. He stated that if this is approved their back yard will be right across from the Kroger Store. Mr. Horney stated that they just put in a new privacy fence. He stated that he currently looks out and sees trees, if the project is approved he will be seeing the back of the Kroger Store. He stated that even though it may be a nice looking store, it will still be an eyesore to them. He stated that if the store goes in they will move. He stated he does not think it is fair that they should have to find a new location. He stated that he felt Kroger could find a location that is already zoned commercial.

Steve Hoagburg, 5717 Maplecrest Road appeared before the Commission. Mr. Hoagburg stated

that he was not opposed to the project, but was in favor of the project. He stated that he simply wanted to express a few concerns. He stated that he wanted to know about the screening on the east side towards his building and the adjacent properties. He also questioned what they would be doing about the drainage, since there is a drainage problem in the area. He stated that he was of the understanding that they have been looking for different properties to expand the little league diamonds, so he felt they may not be an issue.

In rebuttal, Mr. Bomberger stated that since there were quite a few issues addressed he would try to hit the highlights of those. He stated that with regard to safety and the little league diamonds, that the fence they are proposing is not between Revco and Kroger. The fence they are proposing would be constructed on the other side of the street, it would be constructed on the north side of St. Joe Ctr Rd, to help regulate the pedestrian traffic, so that the pedestrian traffic will be crossing with the light. The idea being that the two lights on St. Joe Ctr and Maplecrest Roads would provide a "safer" condition. He stated that the traffic conditions described are conditions that currently exist. He stated that the one thing he wanted the Commission to understand is that this type of development is something that can come in and make things better. He stated that it is not going to be able to solve every problem under the sun. But certainly, this type of development, when there is no other resolution to a situation, can provide improvements that will make situations better in the neighborhood. He stated that although some people stated that they did not want to live next to a shopping center, there are some people who do. He stated that he has lived next to a shopping center for quite some time. He stated that in many cases a community shopping center is clearly something that people want to be near to. He stated that the proximity to a community shopping center can enhance residential property values. He stated that this shopping center is being developed by people who have been around for some time and know what they are doing. He stated that this property could be developed in a much more intense basis, both residentially and commercially.

He stated that from a commercial standpoint this site plan could be much more dense in terms of the usage. He stated that if it were a residential subdivision it could also be much more intense and cause more problems with traffic and drainage than this proposed development. He stated that with regard to this intersection there is undeveloped land between the property in question and the Bohde Grove Subdivision to the south and additional land from the property in question to the west, which remains undeveloped. He stated that this type of development will not serve to foreclose further residential development in the area and could in fact enhance further residential development. He stated that change is a difficult thing to accept. He stated that change is in the offing for this piece of property and felt that the change will be commercial. He stated that their request was a very desirable change. He stated that it would be nice if they could preserve the woods that are there, but that is not going to happen. He stated that you would question if one has the right or the expectation that our neighbors property would be forever be undeveloped. He did not feel that was a reasonable expectation. He stated that with regard to the outlot they would certainly be willing to explore the possibility of restricting development on the outlots.

Pat Fahey questioned whose property the fence on the north side of St Joe Ctr Road would be on.

Mr. Bomberger stated that it is the township fire department property.

It was questioned if they agreed to allow the fence.

Mr. Bomberger stated that they have not worked it out with the township at this time.

Dave Wright, attorney for the Commission questioned if they had an option on any land except the 25 acres that they were showing for development.

Mr. Bomberger stated that this development encompasses only the 25 acres. The remainder of the property will remain with the estate until the estate is settled. He stated that one of the heirs of the estate has the intention to acquire the woods and incorporate it into his existing home and maintain them in their current state.

Pat Fahey asked Mr. Bomberger if they were asking for the exception to the subdistrict requirements to allow the Kroger store to exceed the 60,000 sq ft of single major tenant space.

Mr. Bomberger stated that was correct.

Thomas Quirk stated that the staff comments note that at the intersection of Rothman and Maplecrest there is 37 acres currently zoned for a shopping center. He questioned how far away from this intersection this would be.

Pat Fahey stated that it would be about one mile north of this intersection. He stated that the property was rezoned prior to the annexation of the site, while it was under the county jurisdiction. He stated that there are actually two separate parcels on each side of the road. He stated that they are zoned as shopping centers and the property is currently vacant.

Mr. Quirk questioned if there were any plans submitted for the property.

Mr. Fahey stated he did not know if there were any plans submitted for the property. He stated that it has been zoned that way for well over 10 years. He stated that they may have had a development plan submitted through the County Plan Commission at one time.

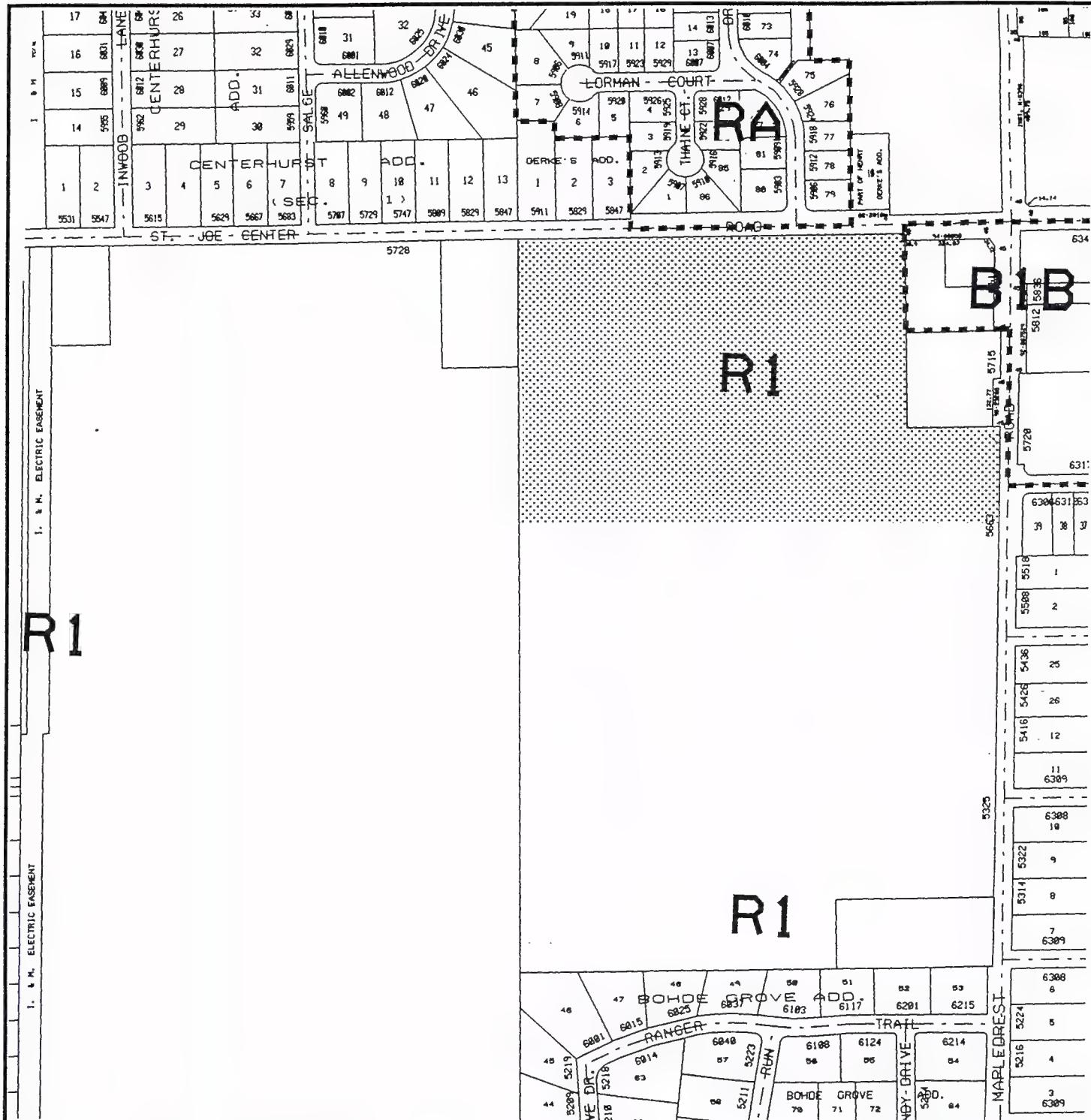
There was no one else present who present who spoke in favor of or in opposition to the proposed rezoning or primary development plan.

**ADJOURNMENT:**

## REZONING PETITION

## AREA MAP

CASE NO. #619



## COUNCILMANIC DISTRICT NO. 2

Map No. W-34  
LW 8-16-96

## **RESOLUTION OF ZONING MAP AMENDMENT RECOMMENDATION**

**WHEREAS**, the Common Council of the City of Fort Wayne, Indiana, on September 10, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-09-15; and,

**WHEREAS**, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

**WHEREAS**, the City Plan Commission conducted a public hearing on such proposed ordinance on September 16, 1996.

**NOW THEREFORE, BE IT RESOLVED** that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will not have a substantially adverse impact on the current conditions in the area, or the character of current structures and uses in the area,
- 2) Approval of the request will be consistent with the principles of responsible development and growth.

**BE IT FURTHER RESOLVED** that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 23, 1996.

Certified and signed this  
3rd day of October 1996.



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Carol Kettler Sharp  
Secretary

**Robert T. Hoover, attorney, on behalf of Michael C. and Steven J. Hallien, representatives for the estate of Florence Berning Hallien, requests a change of zone from R-1 to B-2-B.**

Location: SW corner of St. Joe Center and Maplecrest Roads

Legal: See file

Land Area: Approximately 23.763 acres.

Zoning: R-1

Surroundings:

North	R-1 & RA	Residential
South	R-1	Residential
East	B-1-B	Commercial
West	R-1	Open & Residential

Reason for Request: A proposed community shopping center. The proposed site plan shows approximately 101,560 square feet, not including 6 independent outlots.

Neighborhood Assoc.: None, Brandonwood and Pine View Farms are the closest neighborhood associations.

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the comprehensive plan state that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located in the Northeast Sector of the Outer Ring. The overall goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. More specifically, the goal of the Northeast Sector is to maintain a balanced development pattern within the urban service area.

**Planning Staff Discussion:**

The developer is proposing a planned shopping center. The developer feels that the residential growth in this area has caused the need for additional retail space, and believe that

it should be located at this site.

They project the expected trade area to be a 3 mile radius of this site. That figure is based on the estimated typical service areas for grocery stores, drug stores, hardware stores, and other small retail space. They state that demographics for the area indicate an 11% increase in population from 1980 to 1990, with similar increases projected to the year 2000.

The developer says that of those tenants now known, it is not contemplated that these businesses will be relocated from current locations, but will constitute new locations with additional employees. They feel that the proposed center will offer general merchandise and restaurant services for the everyday needs of the area population, without attracting regional customers.

The traffic analysis prepared for the developer suggests that the existing geometrics of St. Joe Center Road and Maplecrest Road are not relevant as the Maplecrest Road widening project is scheduled to begin in 1997. This should coincide with the development of the shopping center. However the developer will be responsible for extensive improvements on St. Joe Center Road in connection with the proposed access points. The analysis does note that warrants for a traffic signal may be met at both main access points, as the center develops and traffic patterns evolve with the extension of Maplecrest Road to I-469.

Based on statistics developed by the Fort Wayne Newspapers, 87% of the adults in our MSA visit at least 1 shopping center every 30 days. (MSA is the Metropolitan Statistical Area of Adams, Allen, Dekalb, Huntington, Wells and Whitley counties.) Their statistics indicate that Glenbrook Square enjoys the largest market share at 55%. Georgetown Square / Georgetown North and Northwood / Maplewood / Stellhorn Village both hold 19% of the market.

The projected market area for this rezoning has existing shopping areas, some of which were referenced above. Within an approximate 1 mile area are Northwood Shopping Center, Stellhorn Village, and Maplewood Plaza. These centers include 3 groceries, 14 eating places, and a number of other retail service and goods providers. Extending the area to approximately 1 1/2 miles would also include Georgetown Square and Georgetown North. Those retail areas account for approximately 100 acres of development. The proposed 3 mile target area includes the new Meijers, The Marketplace of Canterbury, and Riviera Plaza among other smaller shopping areas.

In addition to these existing developments, there are also smaller retail locations in the area, including the intersection of St. Joe Center and Maplecrest Roads. The area also includes approximately 37 acres of undeveloped ground, at Maplecrest and Rothman Roads, that is presently zoned for planned shopping centers.

In determining their recommendation, the Plan Commission needs to evaluate the petition against a criteria that includes the Comprehensive Plan, the condition and character of structures and use in the area, the conservation of property values, and the principles of responsible development and growth.

Comments from the Comprehensive Plan were included above. The associated area map shows predominate residential uses, with little league baseball diamonds, a fire station, and a small area of commercial zoning at the intersection. The Board of Zoning Appeals has approved a contingent use for a medical / dental center at 5715 Maplecrest Road. Other variances in the immediate area include a 3 chair beauty salon, a retail florist & antique store in the 6200 block of Maplecrest Road, and a public utility antenna and equipment building in the 5900 block of St. Joe Center Road. A request for another public utility antenna and equipment building in the 6000 block of Maplecrest Road was withdrawn after the public hearing.

Development of a commercial shopping center at this location will have an impact on the surrounding area. While it may provide additional convenience for some and needed retail space, others will be more directly impacted by potential noise, lighting, and traffic generation. The development plan review process could make requirements for buffers and other environmental protection devices which could help conserve the development potential for the adjacent R-1 & RA zoned parcels.

We contacted in-house agencies regarding capacity of this site as compared to the already zoned acreage at Maplecrest and Rothman Road. The water engineering department has no objection to either site, but did point out that the developer on the SW corner of Maplecrest and Rothman has already spent considerable funds getting infrastructure into the site, prior to the reconstruction of the Maplecrest Road. (Maplecrest Road is under construction between 469 and Rothman Road.)

In regard to sanitary sewer, the Rothman Interceptor is approximately 2-3 years away from the start of repairs and/or funding. On the other hand, the proposed site will be part of the Maumee Interceptor system that is to start this winter. Recently large areas of the northeast were removed from "red zone" status by the Board of Works; however, this site was not changed.

Stormwater engineering reports that both sites drain into the Salgy Drain. The Allen County Surveyors office is planning some cleaning of the ditch, but we are unsure of the overall scheduling for the total drainage area. The Rothman Road site would have the advantage that it is closer to the river and does not drain through as much residential area as the St. Joe Center site would. However, both sites would require extensive storm drainage and detention improvements.

Infrastructure improvements are scheduled for this area. Those improvements would have an impact on the existing development as well as proposed development. The planned improvements to Maplecrest Road which include making it a curbed five lane section from Stellhorn Road to Rothman Road, and the extension of Maplecrest Road to I-469 will change traffic patterns in the area when completed. Proposed sewer improvements will open the door to potential development by easing or eliminating the "red zone" policy currently in place.

The requested B-2-B designation is intended to provide a mix of merchandise and services in addition to servicing the surrounding residential areas. Limitations are placed on a major

tenant not exceeding 60,000 square feet, or allowing two major tenants limited to 45,000 square feet each. No other tenant space may exceed 40,000 square feet. Maximum building coverage may not exceed 25% of the site, or 218,000 square feet. The next classification would be a Metropolitan Shopping Center, intended to serve "a community of neighborhoods". The B-2-C would be limited to 327,000 square feet of building coverage.

While reviewing the commercial development in the immediate service area we agree with the petitioners that there is currently little empty retail space available. However, our review was limited to a 1 to 1 1/2 mile radius. Extending the review to a 3 mile market radius as intended would increase the amount of existing retail, and potential retail space.

While the petitioner can potentially make an argument for the commercialization of this acreage, we feel that the time is not ripe. Projected infrastructure improvements need to be completed before the site can easily be developed, and all questions resolved. Street improvements and the easing or elimination of the "red zone" policies of the city may indicate that other development is more appropriate for this ground. In addition, the presence of previous zoned but undeveloped commercial acreage to the north must be considered when evaluating the appropriateness of this request.

Recommendation: Do Not Pass for the following reasons:

1) Approval of the request will not be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and could establish an undesirable precedent in the area.

The goal in this area is to maintain a balanced growth pattern within the urban service area. Without the presence of required infrastructure improvements, it is extremely difficult to evaluate the impacts of the potential development.

2) Approval of the request will potentially have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.

Development could have a negative impact on existing land uses, and future development in the immediate area. Impacts on residential uses, as well as the existing little league diamonds and the fire station are unknown at this time.

3) Approval is not necessarily consistent with the preservation of property values in the area.

4) Approval is not consistent with responsible development and growth principles based on existing uses and infrastructure in the area. While infrastructure improvements are scheduled for this area, it may be premature to estimate overall impacts of this scale of development.

BILL NO. Z-96-09-15

REPORT OF THE COMMITTEE ON  
REGULATIONS  
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN ~~ORDINANCE~~ (RESOLUTION) AMENDING THE CITY OF  
FORT WAYNE ZONING MAP NO. V-26

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION)

DO PASS DO NOT PASS ABSTAIN NO REC

Thomas Hayhurst \_\_\_\_\_

Rebecca J. Ravine \_\_\_\_\_

John J. Gandy \_\_\_\_\_

Debbie Hart \_\_\_\_\_

Tom C. Kinn \_\_\_\_\_

OSB \_\_\_\_\_

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\_\_\_\_\_

DATED: 10-22-96

Sandra E. Kennedy  
City Clerk

To: Nata  
From: Pat Fahey

\* St. Joe Center

1 BILL NO. Z-96-

2 ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. V-26 *U.34*

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is hereby designated as a B-2-B (Community  
7 Shopping Center) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne,  
8 Indiana of 1974:

9 Part of the East Half of the Northeast Quarter of Section 21, Township 31 North, Range 13 East, Allen  
County, Indiana, more particularly described as follows, to-wit:

10 Beginning on the North line of said Northeast Quarter at a point situated 295.10 feet, South 90  
degrees 00 minutes 00 seconds West (assumed bearing and is used as the basis for the bearings in  
this description) from the Northeast corner of said Northeast Quarter; thence South 90 degrees 00  
minutes 00 seconds West, on and along said North line, being with the right-of-way of St. Joe Center  
Road, a distance of 1023.73 feet to the Northwest corner of the East Half of said Northeast Quarter;  
thence South 01 degrees 05 minutes 10 seconds West, on and along the West line of the East Half  
of said Northeast Quarter, a distance of 910.00 feet; thence North 90 degrees 00 minutes 00 seconds  
East and parallel to said North line, a distance of 1320.14 feet to a point on the East line of said  
Northeast Quarter; thence North 01 degrees 00 minutes 15 seconds East, on and along said East line,  
being within the right-of-way of Maplecrest Road, a distance of 349.40 feet; thence South 90 degrees  
00 minutes 00 seconds West and parallel to said North line, a distance of 295.10 feet; thence North  
01 degrees 00 minutes 15 seconds East and parallel to said East line, a distance of 560.60 feet to the  
point of beginning, containing 23.763 acres of land, subject to legal right-of-way for St. Joe Center  
Road and Maplecrest Road, and subject to all easements of record.

16 and the symbols of the City of Fort Wayne Zoning Map No. V-26 *U.34*, as established by Section 157.016 of Title  
17 XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

18 SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and  
19 approval by the Mayor.

20 \_\_\_\_\_  
21 Councilmember

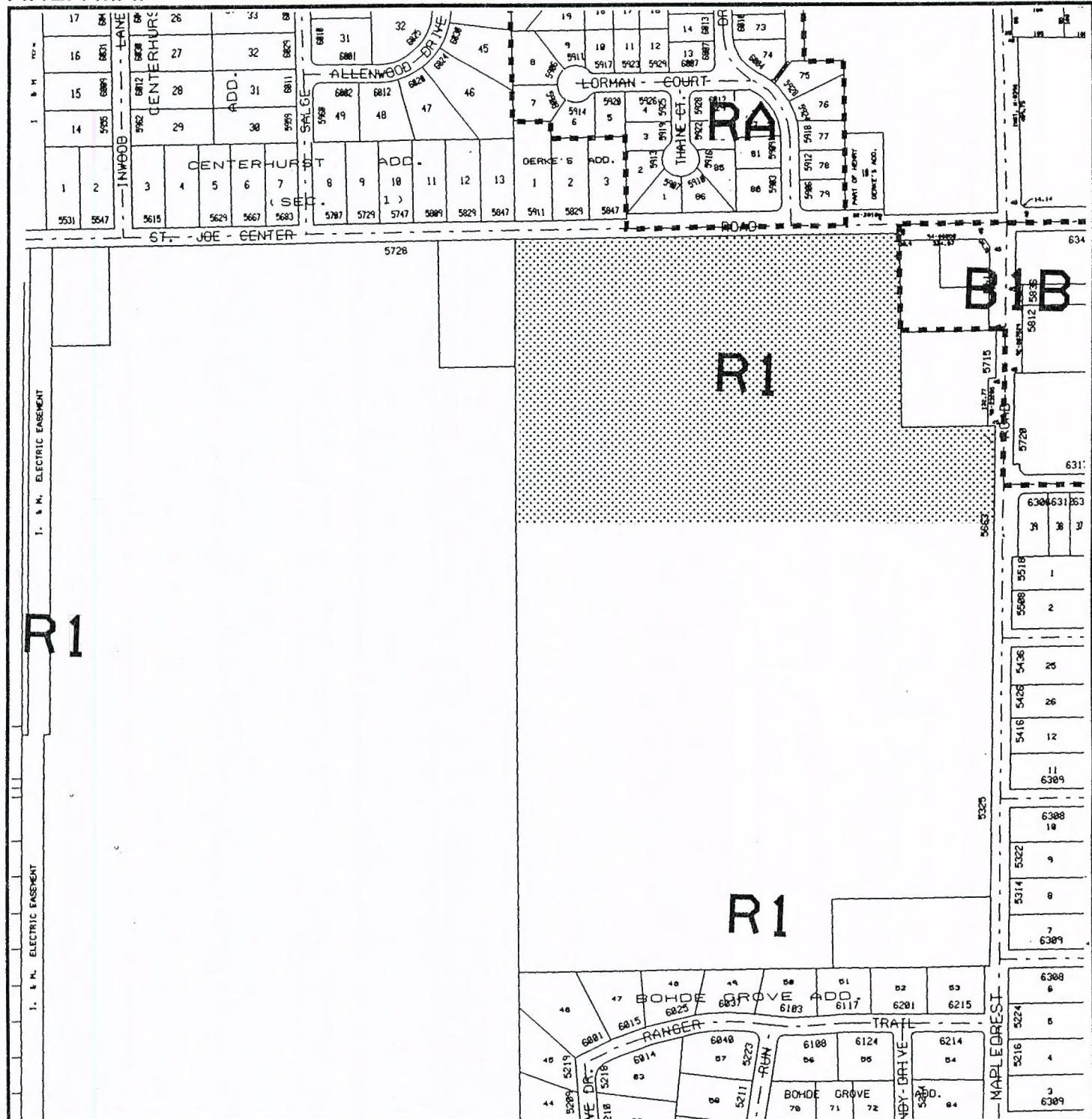
22 APPROVED AS TO FORM AND LEGALITY:

23 \_\_\_\_\_  
J. TIMOTHY McCaulay, CITY ATTORNEY

## REZONING PETITION

## AREA MAP

CASE NO. #6197



## COUNCILMANIC DISTRICT NO. 2

Map No. W-34  
LW 8-16-96